IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1822 of 2005

Between:

Praveen Kumar Daga, S/o. Maniklal Daga,. Business
R/o. 5-10-68, Kishanpura, Hanamkonda, Warangal District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Department of Municipal

Administration and Urban Development, Rep. by Secretary, Secretariat

Buildings, Secretariat, Hyderabad.
2 The Warangal Municipal Corporation, Rep. by its Commissioner,
Opp: MGM Hospital, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the 1st respondent in issuing any notice intimating the date of hearing and passing any interim orders in the statutory Revision filed U/Sec. 679 of Andhra Pradesh Municipal Corporation Act, 1994 (Hyderabad Municipal Corporation At, 1955) in proceedings in C.No. 6676/M1/04 against the proceedings in Roc.No. G1/20343/99 dt. 6-7-2004 as arbitrary, illegal, unfair and unjust apart violative articles 14, 21 and 300-A of the Constitution of India and consequently declare the proceedings In Roc.NO. G1/20343/99 dt. 6-7-2004 and the notice issued U/Sec.636 of HMC Act, 1955 in Notice No. G1/20343/99, dt. 14-08-2004 as null and void and set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.P.KESAVA RAO

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEVEVELOPMENT

Counsel for the Respondent No.2: MR.K.VENUGOAL REDDY

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the second respondent-Corporation.

The petitioner was granted a building permission on 02.11.1999 for construction of a building in Survey No.554 of Waddepally Revenue village, Hanamkonda, Warangal. However, by proceedings of the second respondent dated 06.07.2004, the said permission was cancelled for certain reasons specified thereunder and the petitioner was directed to remove the constructions already made. Aggrieved by the said order, the petitioner preferred a revision under Section 679 of the Hyderabad Municipal Corporation Act, 1955 and admittedly the said revision petition is pending before the first respondent. The petitioner states that in spite of the fact that he preferred an application seeking interim stay of the proceedings dated 06.07.2004, the first respondent failed to consider the same and no orders have been passed so far. While so, the second respondent issued notice dated 14.08.2004 directing the petitioner to remove the constructions within 24 hours. The petitioner apprehends that in pursuance of the said notice, there is immediate threat of demolition of the constructions in question. Hence, this writ petition questioning the inaction on the part of the first respondent in considering the revision petition of the petitioner as well as the application filed by him seeking stay of the proceedings dated 06.07.2004.

Since, admittedly the statutory revision is pending before the first respondent, I am of the view that it would be appropriate to protect the possession of the petitioner till the disposal of the revision by the first respondent.

Accordingly, the writ petition is disposed of with a direction to the first respondent to dispose of the revision petition pending on its file in C.No.6676/M1/2004 against the proceedings of the second respondent dated 06.07.2004 and to pass appropriate orders in accordance with law after giving due notice to the petitioner as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of this order. Till such time, there shall be a direction to the second respondent not to interfere with the constructions made by the petitioner on the basis of the proceedings dated 06.07.2004 and 14.08.2004. No costs.

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07.02.2005

VGB

To

1 The Secretary, Government of Andhra Pradesh, Department of Municipal

Administration and Urban Development, Secretariat

Buildings, Secretariat, Hyderabad.

2 The Commissioner, Warangal Municipal Corporation,
Opp: MGM Hospital, Warangal.

3 2CCs to the G.P. for Municipal Administration and Urban Development,

High Court Buildings, Hyderabad (OUT)

4 2CD copies